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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,468	03/07/2001	Luz Maria Camacho	010942 0269936	4973

27498 7590 03/22/2005

PILLSBURY WINTHROP LLP  
2475 HANOVER STREET  
PALO ALTO, CA 94304-1114

EXAMINER
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BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/801,468

Applicant(s)

CAMACHO ET AL.

Examiner

Christopher J Brown

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-16,18-27,29-35,37-41,43 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-16,18-27,29-35,37-41,43 and 45-51 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Claim Objections***

Claim 37 is objected to because of the following informalities: Claim 37 depends on cancelled claim 36. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

Claims 2, 21, and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the line "identifying certain of the plurality of network elements in the stored profile" fails to provide a subject after the word "certain". The examiner does not know what the applicant is "identifying certain".

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6, 20, 21, 23-25, 37, 39, 40, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6,167,517, in view of Baulier US 6,157,707.

As per claims 1, 20 and 39, Gilchrist teaches a security system that receives a message indicating a request for access to resources, (Col 5 lines 57-62). Gilchrist teaches that the authentication system obtains an indicia of physical identification from the user, (Col 5 lines 30-36). Gilchrist teaches the obtained indicia is compared with a previously stored indicia and approving the request if the indicia match, (Col 5 line 62 to Col 6 line 15, Col 6 lines 35-42).

Gilchrist teaches levels of authentication, (Col 4 lines 16-18), but does not specifically state one level is zero, or no authentication.

Baulier teaches a scoring system to determine whether a user needs to be authenticated or not, (Col 10 lines 9-14).

It would have been obvious to one of ordinary skill in the art to have one of the levels of authentication of Gilchrist be no authentication, so that certain systems could be easily accessed.

As per claims 2, 21, and 40, Gilchrist teaches stored policies indicating whether authentication is required or not for access to different servers, (Col 4 lines 10-19).

Gilchrist does not teach using history, and a scoring method to determine the level of authentication needed.

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Baulier teaches a scoring method of determining whether or not a user is required to be authenticated, (Col 10 lines 7-24). Baulier teaches that the users history patterns are employed, (Col 6 lines 26-30, Col 9 lines 62-64).

It would have been obvious to one skilled in the art to use a scoring system to determine whether authentication was required because it reduces costs and fraud, (Baulier Col 3 lines 5-10).

As per claims 4-5, 23, and 24, Gilchrist teaches stored policies indicating whether authentication is required or not for access to different servers, (Col 4 lines 10-19).

As per claims 6, and 25 Gilchrist teaches determining whether a user is listed as being completely denied access, and denying said access, (Col 4 lines 40-50).

As per claims , 18, 37, and 45, Gilchrist teaches that the indicia is a biometric sample, (Col 5 lines 30-36).

As per claim 45, Gilchrist teaches a database of biometric data, (Col 4 lines 11-14).

**Claims 3, 19, 22, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6,167,517, in view of Baulier US 6,157,707 in view of Klatt US 6,415,277.**

As per claims 3, 22, and 41, The previous Gilchrist-Baulier combination teaches an evaluation of authentication rules. Gilchrist-Baulier does not teach storing rules in a database identified by company.

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Klatt teaches retrieving business rules from a database identified by company, and performing those actions, (Col 9 lines 24-33). It would have been obvious to one of ordinary skill in the art to combine the rules database of Klatt with the rule evaluation of Gilchrist-Baulier so that a central authentication system can carry out multiple policies for separate companies.

**Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6,167,517 in view of Baulier US 6,163,604.**

As per claim 43, Baulier teaches a user profile to determine fraudulent behavior, (Col 5 lines 47-58).

**Claims 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6,167,517, in view of Baulier US 6,157,707 in view of Spiegel US 6,466,918.**

As per claims 46-51, the previous Gilchrist-Baulier combination teaches using a scoring system for authentication. Gilchrist-Baulier does not teach weighing scores.

Spiegel teaches a method of weighing scores based on user activity and user history, (Col 13 lines 40-50, Col 14 lines 1-7). Spiegel teaches that system administrators may alter the weights, (Col 13 lines 43-45).

It would have been obvious to one of ordinary skill in the art to add the weighing method of Spiegel to the scoring method of Gilchrist-Baulier because not all factors in the decision to authenticate are of equal value.

All other rejections can be found from the previous office action below:

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7, 8, 26, 27, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6167,517 in view of Baulier US 6,163,604.**

As per claims 7, 8, 26, 27, and 42 Gilchrist does not teach determining fraudulent behavior.

Baulier teaches detecting fraud based on a collision or velocity violation, (Col 6 lines 50-67). It would have been obvious to one of ordinary skill in the art to add the fraud detection of Baulier to the biometric authentication system of Gilchrist because fraud is a significant financial problem, (Gilchrist Col 1 lines 28-40).

**Claims 9-16, and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist US 6167,517 in view of Blonder US 5,708,422.**

As per claims 9-13, and 28-32 Gilchrist does not teach other criteria of authorization if authentication is not required.

Blonder teaches other criteria of authorization using a card transaction including frequency of use, (Col 6 lines 28-37). Blonder teaches a card transaction with restrictions and denying the transaction if the restrictions (frequency of use) are not satisfied, (Col 10 lines 8-20). Blonder teaches that the restrictions may be applied to credit card transactions or debit card account transactions, (Col 4 lines 53-66).

It would have been obvious to one skilled in the art to add the account restrictions of Blonder to the biometric authentication system of Gilchrist because Blonders system helps prevent financial fraud.

As per claims 14, and 33 Gilchrist teaches an account that restricts an account associated with a user, (Col 4 lines 40-50). Gilchrist does not teach determining an account transaction.

Blonder teaches that the restrictions may be applied to credit card transactions or debit card account transactions, (Col 4 lines 53-66).

As per claims 15, 16, 34, and 35 Gilchrist teaches an account that restricts an account associated with a user, (Col 4 lines 40-50). Gilchrist does not teach parental control

Blonder teaches parental control of a transaction, (Col 5 lines 18-24).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

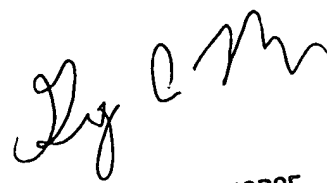
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J Brown

3/7/05



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